IN THE HIGH COURT OF JUDICATURE AT BOMABY
ORDINARY ORIGINAL CIVIL JURISDICTION

COMPANY APPLICATION NO.463/2005 IN C.P.NO.642/1983

M/s. Meghal Homes Pvt. Ltd. ..Applicant.
Vs.
The Official Liquidator. ..Respondent.

Mr. R.I. Chagla with Mr. S. Kadam i/by M/s.S. Mohammedbhai & Co. for the Applicant.

Mr.S.C.Gupta. O.L. & Mrs. K.V. Gautam, Dy. O.L. present.

CORAM: A.M.KHANWILKAR,J.
DATED: 16.9.2005

PC:

1. Heard counsel for the applicant and the Official Liquidator. I find substance in the objection taken on behalf of the Official Liquidator that the proposed suit by the plaintiffs is for specific performance of agreement between the plaintiffs and the defendant Nos. 1 to 3 and 8 to 11. No relief is claimed against the company. The company is not party to the agreement between the plaintiffs and the contesting defendants. In such a situation, presence of company in liquidation or for that matter Official Liquidator in the said proceeding is wholly unnecessary and uncalled for, even though the plaintiffs are willing to bear the costs of the legal expenses to be incurred by the Official Liquidator for appearing and contesting the proposed

suit. In view of the above reasons, I find no substance in the request made by the applicant. This application is therefore, rejected.

(A.M. KHANWILKAR,J.)